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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,136	09/10/2001	Thor Lancelot Simon	TLSI.P-001	9587

21121 7590 02/27/2002  
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EXAMINER

HYUN, SOON D

ART UNIT PAPER NUMBER

2663

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/857,136

Applicant(s)  
Simon

Examiner  
Soon-Dong Hyun

Art Unit  
2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The means (for) testing in the claim 2 should be shown on a drawing.

### *Claim Objections*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

In each of claims 2 and 8, line 2, the specification does not provide proper antecedent basis for the claimed subject matter "on-demand communication channel."

In claim <sup>3</sup>~~4~~, line 2, the specification does not provide proper antecedent basis the claimed subject matter "excessive latency."

In claim 5, line 2, the specification does not provide proper antecedent basis the claimed subject matter "ISDN."

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***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al (U.S. Patent No. 5,923,659).

Regarding claims 1, 4, and 7, Curry et al discloses a data communications system and method comprising first (Internet module 130) and second (Internet module 140) apparatus, each of said first and second apparatus having a respective port (FIG. 3) disposed for sending and receiving common channel signaling data (SS7 messages) for telephone call processing, the first and second apparatus connected by a packet-switched communications channel (136), the channel of a type routing messages over an arbitrary path comprising hops including a final hop, the channel of a type (Internet 136) in which the final hop of a path is not fully known in advance; each of the first and second apparatus further comprising means for receiving common channel signaling data via its respective port (from a central/end office 102), encapsulating the common channel signaling data in packets (converting SS7 protocol to TCP/IP), and transmitting the packets to the packet-switched communications channel (Internet 136); each of the first and second apparatus further comprising means receiving the packets from the packet-switched

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communications channel (Internet 136), extracting the common channel signaling data from the packets (converting from TCP/IP to SS7), and transmitting the common channel signaling data via its respective port (to central/end office 102). See col. 19, lines 40-col. 22, line 21, FIG. 12, 13, 15, and claim 1.

Regarding claim 6, Curry et al further discloses that the common channel signaling information is communicated via Message Transfer Part, Level 2, protocol. See FIG. 4.

***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry et al (U.S. Patent No. 5,923,659) in view of Chung et al (U.S. Patent No. 6,301,352)

Regarding claims 2, 5, and 8, refer to the discussion for the claims 1 and 7. However, Curry et al (Curry) does not teach an alternative common channel path when the Internet is failed. Chung et al teaches that an SS7 node (12) routes the SS7 message when the Internet (14) is failed. See FIG. 2, step 46. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate an alternate path to Curry when the Internet is failed. The motivation is to provide a redundancy in a system. Furthermore, Curry does not teach that the alternate path is an

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ISDN channel. It would have been obvious to one having ordinary skill in the art to an ISDN link for the alternative path. The Motivation is to provide a reliable path for the signaling messages, because the ISDN path is a connection oriented network.

Regarding claim 3, Curry does not teach a excessive latency is a parameter for the failure of the network. It would have been obvious to one having ordinary skill in the art to consider an excessive latency as a parameter to determine the failure. The motivation is to avoid an excessive latency for delivering the signaling messages.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5933490 (White et al) and 6324183 (Miller et al) relate to the SS7 protocol associated with the Internet.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

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Commissioner for Patents

Washington, D.C. 20231

Or faxed to: 703-872-9314 for formal communications intended for entry with a label of  
"OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or  
"DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

*ky*  
S. Hyun

2/24/2002

*Chau T. Nguyen*

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